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09/864,972	05/25/2001	Dan Stanek	0112690-045	3436

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EXAMINER

VORTMAN, ANATOLY

ART UNIT PAPER NUMBER

2835

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/864,972

Applicant(s)

STANEK ET AL.

Examiner

Anatoly Vortman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Amendment*

1. The submission of the amendment filed on 04/07/03 (paper # 12) is acknowledged. At this point claims 1, 11, 12, and 23 have been amended and claims 24-26 have been added. Thus, claims 1-26 are pending in the instant application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 12-18, are rejected under 35 U.S.C. 102(b) as being anticipated by US/ 2,809,254 to Edsall.

Regarding claim 1, Edsall disclosed (Fig. 6) a diagnostic blown fuse indicator for a fuse having connected in series a short circuit element (A) and a current overload element (B), comprising:

a short circuit indicator (40) electrically communicating in parallel with the short circuit element (A), wherein the short circuit indicator (40) provides visual indication of a short circuit condition;

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a current overload indicator (41) electrically communicating in parallel with the current overload element (B), wherein the current overload indicator (41) provides visual indication of an overload condition (column 5, lines 14+); a conductor (52) contacting and electrically connecting to the short circuit indicator (40) and the current overload indicator (41); and an electrical connection (inherently) between the conductor (52) and both the short circuit (A) and current overload (B) elements.

Regarding claims 12-15, Edsall disclosed a fuse having connected in series a short circuit element (A) and a current overload element (B), comprising: a short circuit indicator (40) and a current overload indicator (41) connected in parallel to said short circuit element (A) and said current overload element (B) respectively, and also connected electrically via a same conductor to a point (52) (conductor (52) and connections of indicators (40, 41) to said conductor (52) constitute the same conductor, since all represent a point of equal electrical potential) between a high electrical resistance area of the short circuit element (A) and the current overload element (B).

Regarding claim 16, Edsall disclosed (Fig. 1), that the overload element includes a solder (13) in electrical communication with the short circuit element.

Regarding claim 17, Edsall disclosed that the short circuit element (18) define slots (Fig. 1a).

Regarding claim 18, Edsall disclosed that said short and overload circuit indicators electrically communicate with end caps of the fuse (Fig. 1 and 2 of US/2,794,095 to Kozacka, which is incorporated by reference in the disclosure of Edsall (see Edsall, column 5, lines 28+)).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-11 and 19-22, are rejected under 35 U.S.C. 103(a) as being unpatentable over US/2,809,254 to Edsall in view of the Admitted Prior Art (disclosure of the instant application).

Regarding claims 2-11 and 19-22, Edsall disclosed all of the claims limitations as apply to claims 1 and 12, respectively, and further that said short and overload indicators (40, 41) may be of any conventional design (column 5, lines 18+), but did not specify that said indicators are: indicators having transparent lenses, indicators coated with vaporizable chemical composition, indicators having a gun cotton and an igniter wire, indicators comprising LED's, or indicators having labels with conductive and temperature responsive layers.

The Applicant has admitted (disclosure of the instant application, p. 2, lines 3-30 and p. 3, lines 1-21), that all of the aforementioned fuse indicators have been known in the fuse art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the fuse art at the time the invention was made to substitute fault indicators of Edsall with any of the aforementioned known fault indicators as taught by the Applicant's Admitted Prior Art (Applicant's disclosure (p. 2, lines 3-30 and p. 3, lines 1-21)), in order to adapt said fuse of Edsall for a particular specific application.

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6. Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US/2,809,254 to Edsall in view of the Admitted Prior Art (disclosure of the instant application) and further in view of US/4,035,754 to Kleinbohl.

Regarding claims 23 and 26, Edsall disclosed (Fig. 6) a fuse comprising: a short circuit element (A) having an area of higher electrical resistance, the area tending to open upon a short circuit;

a current overload time delay element (B);

a short circuit indicator (40) electrically communicating in parallel with the short circuit element (A), wherein the short circuit indicator (40) provides visual indication of a short circuit condition; and

a current overload indicator (41) electrically communicating in parallel with the current overload element (B), wherein the current overload indicator (41) provides visual indication of an overload condition (column 5, lines 14+); and

a single body (49) housing all of the aforementioned components (A, B, 40, and 41), but did not disclose an indicia on said body for identifying said short circuit element and said current overload element and that said overload and short circuit indicators are coated with chemical composition adapted to vaporize upon occurrence of the fault conditions.

The Applicant has admitted (disclosure of the instant application, p. 2, lines 12-20), that such chemically coated fuse indicators have been known in the fuse art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the fuse art at the time the invention was made to substitute fault indicators of Edsall with chemically coated indicators as

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taught by the Applicant's Admitted Prior Art (Applicant's disclosure (p. 2, lines 12-20)), in order to enhance the visibility of the condition of the fuse.

Further, Kleinbohl disclosed a fuse assembly (Fig. 1-3) having a plurality of fusible elements (16) disposed within a single body (2), wherein an indicia (26) is provided on said body (2) for identifying particular fuse element (16) (column 2, lines 5+).

Since the inventions of Edsall, Kleinbohl and of the Applicant Admitted Prior Art are from the same field of endeavor (electrical fuses), the purpose of indicia disclosed by Kleinbohl would be recognized in combination of Edsall and Admitted Prior Art.

It would have been obvious to a person of ordinary skill in the fuse art at the time the invention was made to provide indicia on the body in combination of Edsall and Admitted Prior Art as taught by Kleinbohl in order to identify particular fuse element and to provide readily available information for a user.

Regarding claims 24 and 25, Edsall disclosed first and second viewing areas (i.e. indicators (40, 41)) that change visually upon opening of the short circuit element (A) or of overload element (B).

### ***Response to Arguments***

7. Applicant's arguments regarding claims 1-22 have been fully considered but they are not persuasive. As shown by the rejection, the claims, even as amended, still read on applied references.

Regarding claim 23 arguments are moot in view of new grounds of rejection.

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Regarding claims 3-11, the Applicant's assertion that Edsall reference and Background have been improperly combined (p. 5 of the amendment) is believed to be incorrect, since the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. *In re Bozek*, 163 USPQ 545 (CCPA) 1969.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 703-308-7824.

The examiner can normally be reached on 9:30-6:00, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Anatoly Vortman  
Primary Examiner  
Art Unit 2835

A.V.  
May 6, 2003

